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December 20, 2022

BY ECF

Hon. Anne M. Donnelly
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Arkadiy Khaimov
20 Crim. 580 (AMD)

Dear Judge Donnelly:

We are the attorneys for Arkadiy Khaimov, the above-named defendant. We submit this letter to request two modifications relating to Mr. Khaimov's current release conditions.

First, we are requesting that this Court permit Mr. Khaimov to be permitted to work at a verified, stationary location that is subject to Pre-Trial Services visits. Mr. Khaimov has received an offer of employment from Diamond Heritage LLC, located at 64 West 47th Street, New York, NY 10036. Mr. Khaimov would inform Pre-Trial Services of his work schedule and location, and the location would be subject to visits by Pre-Trial Services while Mr. Khaimov is present. Mr. Khaimov will be required to be "stationary," *i.e.* that his activities at the job will be restricted to working inside the location and will not include things such as deliveries or other travel.

We have discussed this application with Mr. Khaimov's Pre-Trial Services Officer (Officer Lopez) who agrees with our proposal so long as the employment is verified, at a stationary location, and subject to Pre-Trial Services visits. We have also discussed this application with AUSA Estes who takes no position on the matter so long as the employment is verified, at a station location, and subject to Pre-Trial Services visits.

Second, we are requesting that this Court permit Mr. Khaimov to take marijuana as prescribed by a physician. Mr. Khaimov has a current medical marijuana card. Medical marijuana is legal under New York State laws and effective in treat Mr. Khaimov's medical conditions. In support of his application, we attach a letter from Mr. Khaimov's treating physician—Dr. Yakub Abrakhimov.

We have discussed this application with Officer Lopez and AUSA Estes, both of whom do not consent due to the continued illegality of marijuana under federal law.

Thank you for your attention to this matter.

Very truly yours,

/s/

Wayne E. Gosnell, Jr.

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November 30th, 2022

Patient: **Mr. Arkadiy Khaimov**

Date of Birth: *02/15/1983*

To Whom it May Concern:

I am the treating pain management physician for the above named patient. Mr. Khaimov is under my care for cervical radiculopathy and was seen today for a follow up consultation. Patient is in severe pain which has affected activities of daily living. I advised the patient to continue with physical therapy 2-3 times a week for the next 8 weeks for his lower back conditions. I strongly advised the patient against the use of opioids medications and instead recommended treatment with medical marijuana for his breakthrough pain.

• Please do not hesitate to contact my office if there are any questions or concerns.

Sincerely



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